EXHIBIT B

[PROPOSED] ORDER RE: CONVERSATION DATA SAMPLING

WHEREAS, on May 29, 2025, the Court ordered the parties to begin sampling the "30-day tables of consumer output log data" and ordered OpenAI to submit a proposed order regarding the sampling process, consistent with the discussion at the May 27 hearing, MDL ECF 79 ¶ 2;

It is now ORDERED, that the following procedures shall apply to the sampling of the consumer output log data set forth in the Court's May 29, 2025 Order:

1. As soon as practicable following entry of this Order, OpenAI shall generate data samples using a random sampling methodology as follows:

    a. Each sample shall consist of the contents of individual rows in the table of consumer output log data (the "Preserved Table") or API output log data (the "Preserved API Table") that OpenAI segregated and preserved in response to the Court's May 13, 2025 Order, MDL ECF No. 33 (the "Preservation Order").

    b. OpenAI shall use best efforts to include in each sample data rows (i) corresponding to outputs generated between April 14, 2025 and May 14, 2025; (ii) corresponding to interactions with ChatGPT Free, Plus, or Pro using the models GPT-3.5, GPT-3.5 Turbo, GPT-4, GPT-4 Turbo, GPT-4o, and GPT-4o Mini; (iii) corresponding to user requests originating from outside the European Economic Area, Switzerland, or the United Kingdom; and (iv) where the values of the conversation classifier fields included in the Preserved Tables are not "null." The filtered data in the Preserved Table shall hereinafter be referred to as "Conversation Data." Similarly, filtered data in the Preserved API Table shall be prepared corresponding to interactions with the API interface in the same time period, using the same models, and with the same geographic restrictions as noted above, which shall hereinafter be referred to as "API Data."

    c. OpenAI shall use best efforts to draw independent and identically distributed samples from the sample populations described below:

        i. The sample population for the first sample shall be all Conversation Data that (i) was not generated through the "Temporary Chat" feature and (ii) is not subject to a user-initiated deletion. *See* MDL ECF 66 ¶ 3.

        ii. The sample population for the second sample shall consist of Conversation Data that was generated through the "Temporary Chat" feature. *See* MDL ECF 66 ¶ 3.

        iii. The sample population for the third sample shall consist of Conversation Data that was subject to a user-initiated deletion. *See* MDL ECF 66 ¶ 3.

> > iv.   The sample population for the fourth sample shall be all Conversation Data.
>
> > v.   The sample population for the fifth sample shall be all API Data.
>
> d. Solely for purposes of complying with this Order, the size of each data sample shall be five (5) million rows of Conversation Data.

2. Within seven (7) days of generating the samples, OpenAI shall run searches on each sample to generate the reports described in Paragraph 3.

3. After running the searches in the foregoing paragraph, OpenAI will provide News Plaintiffs[1] with, for each of the ~~four~~five samples specified in Paragraph 1(c):

> a. Counts of the number of rows that contain a match in the prompt or output field for each of the search terms listed in Appendix A, and
>
> b. ~~Counts~~For samples i-iv, counts of the number of rows that contain a match in the classification_capability_requested field for the classification categories listed below (with counts provided separately for each of the classification categories):
>
> > i.   info_about_public_people
> >
> > ii.   info_about_current_events_and_news
> >
> > iii.   purchasable_products
> >
> > iv.   cooking_and_recipes.

4. The data described in Paragraph 3 above, and any analyses derived from the data, shall be designated as CONFIDENTIAL pursuant to the operative Protective Order in this action.

5. ~~Absent further order from the Court, all data and analyses derived from the samples, including hit count tables, may only be used for the sole purpose of preparing the joint letter described in Paragraph 6 below, and any related analyses associated with this sampling exercise.~~

~~6.~~5. Seven (7) days after OpenAI provides the hit count tables for the samples described in Paragraph 4 above, OpenAI and News Plaintiffs shall submit a joint letter of no more than three (3) pages (no more than one-and-a-half (1.5) pages per side, not including any

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[1] "News Plaintiffs" shall collectively refer to Plaintiffs The New York Times Company; Daily News, LP; Chicago Tribune Company, LLC; Orlando Sentinel Communications Company, LLC; Sun-Sentinel Company, LLC; San Jose Mercury-News, LLC; DP Media Network, LLC; ORB Publishing, LLC; Northwest Publications, LLC; and the Center for Investigative Reporting.

exhibits) that attaches the hit count tables and presents each side's position regarding the sampling exercise.

7.6. Seven (7) days after the parties submit the joint letter described in Paragraph 6 above, or at the Court's earliest convenience, the Court shall convene a settlement conference to discuss ~~both (i)~~ the results of the sampling exercise~~; and (ii) proposals for addressing API output log data that OpenAI segregated and preserved in response to~~the impact on the Preservation Order.

~~If News Plaintiffs' findings submitted in Paragraph 6 above do not purport to show the existence of a material difference between the samples, the Preservation Order shall be vacated. If, however, OpenAI and News Plaintiffs submit disputed findings, and that dispute is resolved by the Court in OpenAI's favor, the Preservation Order shall thereafter be vacated, and OpenAI may recover any costs associated with its retention of the consumer output log data that OpenAI has segregated and preserved in response to the Preservation Order that it incurred from the date of the joint letter in Paragraph 6 above.~~

Appendix A

Agreed-Upon Search Terms				
paywall	nydn	oc register	nytcooking.com	mercurynews.com
pay wall	chicago tribune	pioneer press	cookingnytimes.com	ocregister.com
the athletic	tribune	twin cities	cookingnyt.com	twincities.com
ny times	orlando sentinel	mother jones	nytimescooking.com	chicagotribune.com
nyt	sun-sentinel	reveal news	cooking.nytimes.com	nydailynews.com
new york times	sun sentinel	center for investigative reporting	newyorktimescooking.com	orlandosentinel.com
nytimes	san jose mercury-news	cir	cookingnewyorktimes.com	denverpost.com
wirecutter	mercury news	intercept	theathletic.com	motherjones.com
new york daily news	dp media	first look media	wirecutter.com	revealnews.org
ny daily news	denver post	nyt.com	sun-sentinel.com	theintercept.com
daily news	orange county register			
dnyuz.com	newsnow.com	dissenter.com	parler.com	dmsretail.com

news AND (article* OR headline* OR breaking OR current OR summar* OR today OR yesterday OR week OR happen* OR occur* OR status OR update*)

cryptonews.com.au	enews.com.ng	inty.news	liverpooldigest.co.uk	mainstream.news
techstory.in	newsr.in	tajahindinews.in	teachernews.in	labrujuladigital.es
tramitesenandalucia.es	liverpoolbuzz.co.uk	oncob2b.co.kr	berealinfo.com	blockchain.news
Bostontimes.org	incomeinvestinginsider.com	infoguidenigeria.com	informedamericantoday.com	internewscast.com
newsfeedus.com	Nynewsdaily.org	psychnewsdaily.com	technewztop.org	thecurrent-online.com

theinscribermag.com	tibunnews.com	time.news	breakinglatest.news	chiangraitimes.com
lesrapporteurs.com	naijanews.com	newsdirectory3.com	southwestjournal.com	countylocalnews.com
newscrab.com	timebusinessnews.com	maxnews.info	itimesbiz.com	irelandtopnews.com
mhna98.com	the-tech-vortex.com	coinworldstory.com	internationalnewsandviews.com	deccanherald.com
newstimeslink.com	usnewslead.com	worldnewsera.com	infobaenews.com	talesbuzz.com
theglobalherald.com	fichas-tecnicas.com	dotcommagazine.com	editorializenews.com	newsagentweb.com
currentaffairs.adda247.com	usmagazine.news	storifynews.com	smallpressnews.com	qmunicatemagazine.com
USNewsper.com	latribunedujellyrodger.com	maoi.org	thetechedvocate.org	mtm-news.com
knowworldnow.com	timelymagazine.com	voymedia.com	facts.net	expotimesonline.net
via.news	uniquenewsonline.com	allnewspress.com	news.nayag.com	losanglesnewswire.com
bdjobnews.com	nouvelles-du-monde.com	lederniereheure.com	Lesactualites.news	traveltrade.today
noticiasdeemprego.com.br	sabkuchhnews.com	uni2noticias.com	tribuneonlineng.com	